

HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOILERMAKERS NATIONAL ANNUITY
TRUST FUND, on behalf of itself and all
others similarly situated,

Plaintiff.

**WAMU MORTGAGE PASS THROUGH
CERTIFICATES SERIES 2006-AR1 et al**

Defendants

DORAL BANK PUERTO RICO, on behalf of
itself and all others similarly situated,

Plaintiffs,

WASHINGTON MUTUAL ASSET
ACCEPTANCE CORPORATION, et al.,

Defendants

Master Cause NO. 2:09-cv-00037-MJP

**PLAINTIFFS' MOTION FOR LEAVE
TO AMEND COMPLAINT**

**Noted on Motion Calendar:
June 4, 2010**

ORAL ARGUMENT REQUESTED

NO. 2:09-cv-01557-MJP

**PLAINTIFFS' MOTION FOR LEAVE TO AMEND
COMPLAINT
(NO. 2:09-cv-00037-MJP)**

1 Lead Plaintiffs Doral Bank Puerto Rico and Policemen's Annuity and Benefit Fund of
2 the City of Chicago and Plaintiff Boilermakers National Annuity Trust (collectively,
3 "Plaintiffs") respectfully move for leave to amend the Second Amended Consolidated Class
4 Action Complaint (the "Complaint") to correct an error in the Complaint. The Complaint
5 inadvertently named the wrong entity as the entity controlled by Defendants Moody's
6 Investors Services, Inc. and McGraw-Hill Companies, Inc. (the "Rating Agencies"). The
7 reasons for the proposed amendment are set forth in detail in the accompanying Opposition to
8 the Rating Agencies' Joint Motion to Dismiss the Second Amended Consolidated Class Action
9 Complaint, which is being filed along with this Motion and which is also attached as Exhibit A
10 to this Motion.¹

11 Plaintiffs' proposed amended complaint is attached as Exhibit B to this Motion. For
12 the convenience of the Court and Defendants, a redlined version of the Complaint, showing
13 the limited differences between the proposed amended complaint and the Complaint, is
14 attached as Exhibit C to this Motion.

15 Dated: May 18, 2010

Respectfully submitted,

16 **TOUSLEY BRAIN STEPHENS PLLC**

17 By: /s/ Nancy A. Pacharzina
Nancy A. Pacharzina, WSBA #25946
18 Kim D. Stephens, WSBA #11984
19 1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101
Telephone: (206) 682-5600
Facsimile: (206) 682-2992
kstephens@tousley.com

22 *Liaison Counsel for the Proposed Class*

23 ¹ In addition to modifying the entity controlled by the Rating Agencies, the proposed
24 amended complaint modifies two other errors. An additional entry is inserted into the charts
25 of certificates in paragraphs 21 and 22 so that the charts now include series 2007-HY7 of the
26 WaMu pass through certificates. Certificate 2007-HY7 is mentioned elsewhere in the
27 Complaint, *see, e.g.*, chart at ¶ 39, and was included in a similar chart in the complaint filed on
November 23, 2009, but was inadvertently omitted from the charts in paragraphs 21 and 22.
See Consolidated Class Action Complaint ¶ 25, Dkt. No. 103 (Nov. 23, 2009). Also, an
erroneous reference to state securities laws in paragraph 177 is deleted.

PLAINTIFFS' MOTION FOR LEAVE TO AMEND
COMPLAINT
(NO. 2:09-cv-00037-MJP)

SCOTT+SCOTT LLP
Arthur L. Shingler III (admitted pro hac vice)
Hal D. Cunningham (admitted pro hac vice)
600 B Street, Suite 1500
San Diego, California 92101
Telephone: (619) 233-4565
Facsimile: (619) 233-0508
ashingler@scott-scott.com
hcunningham@scott-scott.com

Joseph P. Guglielmo (admitted pro hac vice)
500 Fifth Avenue, 40th Floor
New York, New York 10110
Telephone: (212) 223-6444
Facsimile: (212) 223-6334
jguglielmo@scott-scott.com

*Counsel for Lead Plaintiff Chicago PABF
and the Proposed Class*

**COHEN MILSTEIN SELLERS & TOLL
PLLC**

Joel P. Laitman (admitted pro hac vice)
Christopher Lometti (admitted pro hac vice)
Daniel B. Rehns (admitted pro hac vice)
Kenneth M. Rehns (admitted pro hac vice)
88 Pine Street
New York, New York 10005
Telephone: (212) 838-7797
Facsimile: (212) 838-7745
jlaitsman@cohenmilstein.com
cclometti@cohenmilstein.com
drrehns@cohenmilstein.com
krehns@cohenmilstein.com

PLAINTIFFS' MOTION FOR LEAVE TO AMEND
COMPLAINT
(NO. 2:09-cv-00037-MJP) 3

Steven J. Toll
Joshua S. Devore
Matthew B. Kaplan
S. Douglas Bunch
1100 New York Avenue, NW
Suite 500 West
Washington, D.C. 20005
Telephone: (202) 408-4600
Facsimile: (202) 408-4699
stoll@cohenmilstein.com
jdevore@cohenmilstein.com
mkaplan@cohenmilstein.com
dbunch@cohenmilstein.com

*Counsel for Lead Plaintiff Doral Bank,
Plaintiff Boilermakers and the Proposed
Class*

PLAINTIFFS' MOTION FOR LEAVE TO AMEND
COMPLAINT
(NO. 2:09-cv-00037-MJP) 4

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to all counsel of record and additional persons listed below.

Adam Zurofsky azurofsky@cahill.com

Andrew B Brettler abrettler@stblaw.com

Arthur L Shingler ashingler@scott-scott.com, efile@scott-scott.com

Barry Robert Ostrager bostrager@stblaw.com, managingclerk@stblaw.com

Bradley T. Meissner bradley.meissner@dlapiper.com

Brian C Free bcf@hcmp.com, gcp@hcmp.com

Bruce Earl Larson blarson@karrtuttle.com, psteinfeld@karrtuttle.com

Christopher E Lometti clometti@cohenmilstein.com

Christopher M Huck Christopher.huck@dlaniper.com karen.hansen@dlaniper.com

Corey E Delaney corey.delaney@dlapiper.com, kerry.cunningham@dlapiper.com,
patrick.smith@dlapiper.com, richard.hans@dlapiper.com

Daniel B Rehns drehns@cohenmilstein.com

David Daniel Hoff dhoff@teusley.com, efile@teusley.com

David M Balabanian david.balabanian@bingham.com

Dennis H. Walters dwalters@karntuttle.com, wheeler@karntuttle.com

Floyd Abrams fabrams@cschill.com

Frank Busch frank.busch@kingsham.com frankbusch@Gmail.com

Craig Williams-Scholar: scholar@middlebury.edu | 111-111-1111

1-1-1-1-1-1-1

Hallie L. & Salzman (Tutor) - 10/10/2018 - Q114

Electronic-Configurations

PLAINTIFFS' MOTION FOR LEAVE TO AMEND
COMPLAINT
(NO. 2:09-cv-00037-MJP) 5

1 James J. Coster jcoster@ssbb.com, jregan@ssbb.com, managingclerk@ssbb.com
2 Joel P Laitman jlaitman@cohenmilstein.com
3 John D Lowery jlowery@riddellwilliams.com, dhammonds@riddellwilliams.com
4 John D Pernick john.pernick@bingham.com
5 Jonathan Gardner jgardner@labaton.com
6 Joseph A. Fonti (Terminated) jfonti@labaton.com, ElectronicCaseFiling@labaton.com
7 Joseph P Guglielmo jguglielmo@scott-scott.com, efile@scott-scott.com
8 Joshua M. Rubins jrubins@ssbb.com, jregan@ssbb.com, managingclerk@ssbb.com
9 Julie Hwang (Terminated) jhwang@labaton.com, ElectronicCaseFiling@labaton.com
10 Kenneth J Pfahler kpfaehler@sonnenschein.com, nreeber@sonnenschein.com
11 Kenneth M Rehns krehns@cohenmilstein.com
12 Kerry F Cunningham kerry.cunningham@dlapiper.com
13 Kevin P Chavous kchavous@sonnenschein.com
14 Kim D Stephens kstephens@tousley.com, cbonifaci@tousley.com, kzajac@tousley.com
15 Larry Steven Gangnes gangnesl@lanepowell.com, docketing-sea@lanepowell.com,
16 donnellyjossom@lanepowell.com, sebringl@lanepowell.com
17 Leslie D Davis ldavis@sonnenschein.com
18 Louis David Peterson ldp@hcmp.com, smp@hcmp.com
19 Mary Kay Vyskocil mvyskocil@stblaw.com
20 Michael H. Barr mbarr@sonnenschein.com
21 Mike Liles , Jr mliles@karrtuttle.com
22 Nancy A Pacharzina npacharzina@tousley.com, kzajac@tousley.com
23 Paul Scarlato pscarlato@labaton.com, ElectronicCaseFiling@labaton.com
24 Paul Joseph Kundtz pkundtz@riddellwilliams.com, mbergquam@riddellwilliams.com,
25 mdowns@riddellwilliams.com
26 Richard F Hans richard.hans@dlapiper.com, dorinda.castro@dlapiper.com
27

PLAINTIFFS' MOTION FOR LEAVE TO AMEND
COMPLAINT
(NO. 2:09-cv-00037-MJP)

1 Robert D Stewart stewart@kiplinglawgroup.com, cannon@kiplinglawgroup.com
2 Robert J Pfister rpfister@stblaw.com
3 Rogelio Omar Riojas omar.riojas@dlapiper.com, nina.marie@dlapiper.com
4 Serena Richardson (Terminated) srichardson@labaton.com,
5 ElectronicCaseFiling@labaton.com
6 Stellman Keehnle stellman.keechnel@dlapiper.com, patsy.howson@dlapiper.com
7 Stephen M. Rummage steverummage@dwt.com, jeannecadley@dwt.com
8 Steve W. Berman steve@hbsslaw.com, heatherw@hbsslaw.com, robert@hbsslaw.com
9 Steven J Toll stoll@cohenmilstein.com, efilings@cohenmilstein.com
10 Steven P Caplow stevencaplow@dwt.com, belenjohnson@dwt.com
11 Tammy Roy troy@cahill.com
12 Timothy Michael Moran moran@kiplinglawgroup.com, cannon@kiplinglawgroup.com
13 Walter Eugene Barton gbarton@karrtuttle.com, danderson@karrtuttle.com,
14 nrandall@karrtuttle.com

/s/ Nancy A. Pacharzina
Nancy A. Pacharzina, WSBA #25946
Kim D. Stephens, P.S., WSBA #11984
Email: kstephens@tousley.com
Liaison Counsel for the Class
TOUSLEY BRAIN STEPHENS PLLC
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101-4416
Tele: 206.682.5600
Fax: 206.682.2992

**PLAINTIFFS' MOTION FOR LEAVE TO AMEND
COMPLAINT
(NO. 2:09-cv-00037-MJP)** 7